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OFFICE OF PETITIONS

In re Application of :
Freestone et al. :
Application No.: 09/668,875 :
Filing Date: September 25, 2000 :
Docket No.: 27996-051 :
NTL-3.2.133/3405 :
For: METHOD FOR ANNOUNCING :
E-MAIL AND CONVERTING :
E-MAIL TO VOICE :

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on Petition Under 37 CFR 1.137(b), filed on October 25, 2004.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed February 6, 2004, which set a shortened statutory period for reply of three (3) months. The application went abandoned at midnight on May 6, 2004. A Notice of Abandonment was mailed on September 7, 2004.

Petitioner has met the requirements for revival under §1.137(b). Petitioner submitted the reply in the form of an amendment and paid the petition fee. The petition includes a statement that "The entire delay in filing the required reply from the due date until the filing of the present petition was unintentional (37 C.F.R. §1.137(b)(3))." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3). Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. Accordingly, the petition is granted under §1.137(b).

Inquiries concerning this decision should be directed to George Dombroske at 571-272-3283.

This application is being referred to Technology Center AU 2155 for continued processing.


Brian Hearn
Petitions Examiner
Office of Petitions